

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
WEDNESDAY, MAY 11, 2016 – 6:30 P.M.
CITY HALL CITY COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

Board Members	Attendance	Cumulative Attendance 6/2015 through 5/2016	
		Present	Absent
Karl Shallenberger, Chair	P	10	1
Roger Bond, Vice Chair	P	10	1
Eugenia Ellis	P	10	1
Andrew Gordon	P	10	1
Douglas Reynolds	A	6	2
Fred Stresau	P	9	2
S. Carey Villeneuve	P	9	2
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Alternates			
Birch Willey	P	7	4
Stacey Giuliani	P	4	1
Norman Ostrau	P	5	0

Staff

Robert Dunckel, Assistant City Attorney
Eric Engmann, Urban Design and Planning
Mohammed Malik, Chief Zoning Examiner
Lynda Crase, Board Liaison
Brigitte Chiappetta, Recording Secretary, Prototype Inc.

Communication to the City Commission

None

Purpose: Section 47-33.1.

The Board of Adjustment shall receive and hear appeals in cases involving the ULDR, to hear applications for temporary nonconforming use permits, special exceptions and variances to the terms of the ULDR, and grant relief where authorized under the ULDR. The Board of Adjustment shall also hear, determine and decide appeals from reviewable interpretations, applications or determinations made by an administrative official in the enforcement of the ULDR, as provided herein.

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Board members disclosed communications they had and site visits made regarding items on the agenda.

All individuals wishing to speak on the matters listed on tonight's agenda were sworn in.

Call to Order

Chair Shallenberger called the meeting to order at 6:30 p.m. He introduced Board members and determined a quorum was present.

Approval of Minutes – March 2016

Motion made by Mr. Stresau, seconded by Mr. Bond, to approve the minutes of the Board's March 2016 meeting. In a voice vote, motion passed unanimously.

1. Index
Case Number: B16010
Owner: AGAPE WORSHIP CENTER INC.
Legal: ALEXENA SUB 81-40 B LOT 2 THRU 16 TOGETHER WITH
PART VAC'D NW 22 LANE DESC'D AS,BEG AT NE COR
LOT 2,E 60,S 49.71,SLY 33.68,S 325.60 TO P/C,SLY,WLY
& NLY 183.48,N 325.60,NLY 49.60, NLY 33.79 TO POB
TOGET WITH LOT 2 LESS N 330 & LOT 1 N 168 OF S 293
BLK 2 OF ARROWHEAD ESTATES 21-27 B
Zoning: Broward County RD-10 (Duplex and Attached One-Family
Dwelling Districts).
Address: 2230 NW 22nd Street
Commission District: 3

Appealing: Sec. 39-284 (Height) of the Broward County Code

Section 47-1.12, Effect of Annexation on Property, of the City of Fort Lauderdale's Unified Land Development Regulations states whenever unincorporated property is annexed by the city pursuant to the Florida Statutes, and when said property has been previously zoned by a unit of local government, the use regulations of that unit of local government shall remain in full force and effect until the city adopts a comprehensive plan amendment that includes the annexed area and the property is rezoned by the city. And whereas this property has been annexed into the City of Fort Lauderdale, but has

not been had a comprehensive plan amendment nor has it been rezoned. Requesting a variance to permit the construction of a gymnasium at a height of 34-feet where the Broward County Code states height shall be limited to 2-stories with a story defined as not to exceed 10-feet in height for a maximum of 20-feet in height permitted for an overall increase in height as requested of 14-feet.

(NOTE: This variance request was approved on April 8, 2015 under case B15008 and is now being made due to expiration of the previous approval.)

Pastor Darnell Mack, Agape Worship Center, said their architect was present to discuss a problem with one of the setbacks. Miguel deDiego, architect, explained that they wished to keep a ten-foot setback in the rear. They had moved the building 20 feet on the west because there was land available but on the north/south, they would need to reduce the footprint of the building and redraw the plans or relocate a parking area.

Chair Shallenberger asked if the Board could consider a change in the request from what was advertised and Mr. Dunckel stated the variance concerned the building height. The Board had indicated previously that they would grant a variance regarding the height but wanted to see the setbacks for the CF-HS zoning met and to include this as a condition of the variance. Mr. deDiego explained that the additional height was needed to accommodate a basketball court in the rear of the building.

Mr. Stresau recalled that when the Board had discussed this 15 months ago, he had noted that the parking spaces could be moved and the building relocated forward to meet the setback requirements in the current ULDR. He added that there had been numerous people in the audience objecting to the height increase. Pastor Mack said one adjacent owner had objected to dirt that was spilling onto his property so Pastor Mack had had it removed. The other owner had wanted the church to buy his property.

Mr. deDiego agreed that 12 parking spaces would need to be moved to relocate the building but they had not done a parking study to ensure this would be permissible per the code. Mr. Stresau was concerned because the church had not provided a new site plan for the Board to see the changes.

Mr. Dunckel stated if the Board granted the height variance and the church abided by all other setbacks for CF-HS zoning, the church would not need to come back to the Board with new plans.

Chair Shallenberger opened the public hearing.

Jacqueline Davidson, the adjacent neighbor's daughter, said her only concern had been the dirt that the church had been dumping on her mother's property. The church had promised to move it a year ago but had only acted recently. Ms. Davidson said a fence should be put around the dirt to prevent kids from playing there. The dirt pile also

caused water to flow into her mother's property after a heavy rain. Mr. Engmann agreed to determine if there were any code violations between the two properties.

Geraldine Smith, adjacent property owner's daughter, was upset that the church had not addressed the dirt pile sooner; she said this issue had been going on for a year.

There being no other members of the public wishing to address the Board on this item, Chair Shallenberger closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Stresau, seconded by Mr. Willey to grant the variance for the 34-foot height, subject to the condition that the building meet all current setbacks for CF-HS zoning district. In a roll call vote, motion passed 7-0.

Other Items and Board Discussion

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Mr. Malik thanked Mr. Shallenberger for serving as Board Chair. Mr. Willey remarked on how valuable Mr. Shallenberger had been to the Board because of his previous experience working for the City.

Report and for the Good of the City

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No discussion.

Communication to the City Commission

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None

There being no further business to come before the Board, the meeting was adjourned at 7:05 pm.

Chair:



~~Karl Shallenberger~~ Roger Bond, V. Chair

Attest:



ProtoType Inc.

Minutes prepared by: J. Opperlee, Prototype Inc.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.